UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES,

      Plaintiff,

v.

JOSEPH E. FELDMAN,

      Defendant.

Case No. 2:17-cv-11292
Honorable Laurie J. Michelson
Magistrate Judge David R. Grand

ORDER REGARDING MOTIONS FOR SUMMARY JUDGMENT

The Government asks to revise the briefing schedule relating to its motion for summary judgment. Unfortunately, health problems recently experienced by the Government's counsel form the basis for this request. Joseph Feldman does not oppose the Government's motion. The Court will grant the Government's request to modify the briefing schedule as specified below.

The summary-judgment briefing in this case has taken a long time to complete. In fact, the Government filed its motion for summary judgment in November 2017 but, by August 2018, the associated briefing was still not complete. (This was due to difficulty completing discovery.) So on August 10, 2018, this Court denied the Government's motion for summary judgment without prejudice. (ECF No. 28.) This Court set a discovery deadline of November 16, 2018 and a deadline of December 31, 2018 for the Government to move for summary judgment. But, as before, extensions were sought. So, in March 2019, the Court reset the summary-judgment deadline to May 6, 2019. This May 6 deadline has never been revised.

In April 2019, the parties asked to move the discovery deadline from April 15, 2019 to May 2, 2019. There was no request to extend the May 6 summary-judgment deadline. And,

recall, the Court had already denied the Government's motion back in August 2018. (ECF No. 28.) The Court granted the request to permit discovery through May 2, 2019.

On May 8, 2019, the parties filed yet another motion for an extension. The motion stated in part:

> The parties move for an order revising the briefing schedule for dispositive motions in the Court's March 25, 2019, text order as follows:
>
> - The reply of the United States must be filed by June 10, 2019.
> - The sur-reply of Joseph Feldman must be filed by July 10, 2019.
> - The page limit for the briefs supporting the reply and sur-reply shall be 25 pages.
>
> This revision does not change the deadlines set forth in the Court's March 25, 2019, order. *It merely recognizes that the government's motion for summary judgment and Joseph Feldman's response are already on file*. ECF No. 15-18, 24. Only supplemental filings are necessary due to the additional discovery conducted by the parties.

(ECF No. 33, PageID.212 (emphasis added).)

On May 9, 2019, the Court granted this motion—in part. In particular, it entered the following on the docket: "TEXT-ONLY ORDER Granting in Part 33 Joint MOTION to Revise Briefing Schedule; Reply due by 6/10/2019, Sur-reply due by 7/10/2019. Briefs in support of the reply and sur-reply shall not exceed ten (10) pages." Notably, the Court did not "recognize[] that the government's motion for summary judgment and Joseph Feldman's response are already on file." The Court would not have so recognized because, as stated, it had already denied the Government's motion back in August 2018.

Accordingly, the Court orders as follows. The Government shall file a motion for summary-judgment on or before June 21, 2019. If it desires, the Government's motion may incorporate by reference the summary-judgment brief it filed on November 17, 2017. Feldman's response brief is due by July 12, 2019. If he desires, Feldman may incorporate by reference the

brief he filed on April 30, 2018. The Government's reply is due July 26, 2019. Feldman's sur-reply is due on August 9, 2019. As previously ordered, neither the reply nor sur-reply shall exceed 10 pages (and be otherwise compliant with the local rules on briefing).

 SO ORDERED.

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s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

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Date: June 10, 2019

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CERTIFICATE OF SERVICE

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 The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 10, 2019.

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s/William Barkholz
Case Manager to
Honorable Laurie J. Michelson

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